

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	21 NOVEMBER 2018	6
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - JS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Following an application made to Licensing Team for the grant of a Hackney Carriage and Private Hire Driver's Licence, the Committee is requested to consider the application and determine if they consider the applicant fit and proper to hold such a licence.

RECOMMENDATION

That the Committee consider the report and determine the application.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. An application has been received from JS for the grant of a Hackney Carriage and Private Hire Driver's licence.
2. In accordance with the standard procedure for all applications the applicant was required to authorise licensing officers to access his driving licence details via the DVLA.
3. The DVLA check revealed a total of 12 penalty points from 2015 to 2018 and further information relating to these will be provided to members at the meeting.
4. The applicant declared on his application form that he had received 3 penalty points in March 2018, but made no declarations in respect of the previous penalty points he received in November 2015 or January 2015.

5. Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a hackney carriage ... unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
6. Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
7. The Council updated and adopted the Hackney Carriage and Private Hire Licensing Policy in November 2017. Appendix A of the Policy is the Taxi and PHV Licensing Criminal Convictions Policy and is to be taken into account during the decision making process.
8. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

IMPLICATIONS	
Finance	No implications arising directly from the report.
Legal	<p>The Committee should have regard to the requirements of fairness and proportionality in its procedures and to the European Convention on Human Rights in reaching its decision. However, the purpose of the system of driver licensing is to protect the public. If the committee considers that it should refuse the application in order to protect the public, it should not concern itself with the effect on the applicant.</p> <p>Where the council has adopted a policy which applies to a particular matter, it must take the policy into account when making its decision. Although it is not bound to follow the policy, any decision that is contrary to it should be supported and explained by clear and adequate reasons for departing from the policy.</p>
Community Safety	No implications arising directly from the report.
Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Hackney Carriage & Private Hire Licensing Policy	Nov 2017	http://www.fylde.gov.uk/business/licensing/taxilicensing/